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47486 7590 07/01/2008

FLEIT, KAIN, GIBBONS, GUTMAN,
BONGINI & BIANCO P.L.
551 NW 77TH STREET, SUITE 111
BOCA RATON, FL 33487

EXAMINER

DAO, THUY CHAN

ART UNIT

PAPER NUMBER

2192

DATE MAILED: 07/01/2008

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/630,257

07/30/2003

Timothy M. Anderson

POU920020121US1

9401

TITLE OF INVENTION: BUILD TIME DETERMINATION AND INSTALLATION OF DRIVERS REPLICATED COMPUTER SYSTEMS

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1440	\$300	\$0	\$1740	10/01/2008

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

HOW TO REPLY TO THIS NOTICE:

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If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

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**Complete and send this form, together with applicable fee(s), to: Mail Mail Stop ISSUE FEE
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INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

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47486 7590 07/01/2008

FLEIT, KAIN, GIBBONS, GUTMAN,
BONGINI & BIANCO P.L.
551 NW 77TH STREET, SUITE 111
BOCA RATON, FL 33487

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I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/630,257 07/30/2003 Timothy M. Anderson POU920020121US1 9401

TITLE OF INVENTION: BUILD TIME DETERMINATION AND INSTALLATION OF DRIVERS REPLICATED COMPUTER SYSTEMS

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
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nonprovisional NO \$1440 \$300 \$0 \$1740 10/01/2008

EXAMINER	ART UNIT	CLASS-SUBCLASS
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DAO, THUY CHAN 2192 717-176000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
- ☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. **Use of a Customer Number is required.**

2. For printing on the patent front page, list

- (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, 1 _____
- (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed. 2 _____
- 3 _____

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE (B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent) : ☐ Individual ☐ Corporation or other private group entity ☐ Government

4a. The following fee(s) are submitted:

- ☐ Issue Fee
- ☐ Publication Fee (No small entity discount permitted)
- ☐ Advance Order - # of Copies _____

4b. Payment of Fee(s); (Please first reapply any previously paid issue fee shown above)

- ☐ A check is enclosed.
- ☐ Payment by credit card. Form PTO-2038 is attached.
- ☐ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

- ☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

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This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/630,257	07/30/2003	Timothy M. Anderson	POU920020121US1	9401
47486	7590	07/01/2008	EXAMINER	
FLEIT, KAIN, GIBBONS, GUTMAN, BONGINI & BIANCO P.L. 551 NW 77TH STREET, SUITE 111 BOCA RATON, FL 33487			DAO, THUY CHAN	
			ART UNIT	PAPER NUMBER
			2192	
DATE MAILED: 07/01/2008				

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 705 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 705 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

Notice of Allowability

Application No.

10/630,257

Examiner

Thuy Dao

Applicant(s)

ANDERSON ET AL.

Art Unit

2192

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 02/19/08.
2. ☒ The allowed claim(s) is/are 1-20.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- * Certified copies not received: ____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date ____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date ____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date ____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date ____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other ____.

/Tuan Q. Dam/
Supervisory Patent Examiner, AU 2192

DETAILED ACTION

1. This action is responsive to the amendments filed February 19, 2008.
2. The object to the drawing and claims is withdrawn in view of Applicant's amendments.
3. In the instant amendments, claims 1, 5, 8, 12, 15, and 18 have been amended.
4. Claims 1-20 have been examined, and all remained pending claims now are being allowed.

Examiner's Amendment

5. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.
6. Authorization for this examiner's amendment was given in a telephone interview with Mr. Gutman, Registration No. 35,717, on June 17, 2008 to provide proper antecedent basis for the claimed subject matter, obviate any potential 35 USC section 101 issues, and put the claims in condition for allowance.

Please amend the specification as follows:

IN THE SPECIFICATION (page 9):

[0024] FIG. 1 depicts the elements that make up a typical computer for use in presenting and maintaining an application. The computer 100 consists of a Base Computer 101 which comprises a processor 106, a computer readable storage media such as a magnetic disk 107 and a high speed volatile main memory 105. An operating system and application programs 111 reside on the computer

readable storage media 107 and are paged into main memory 105 as needed for computations performed by the processor 106 ...

Please amend claims 1, 5, 8, 12, 15, and 18 as follows:

IN THE CLAIMS:

1. (Currently Amended) A method for creating a replica computer system program image, the method comprising the steps of:

a build computer system capturing a replica image of a program;

the build computer system removing components, including driver software, from the replica image of the program, thereby creating an image of the program that lacks driver software;

the build computer system downloading the created image of the program to a target computer system, in order to begin a build of the program on the target computer system;

the build computer system receiving from the target computer system, target computer system configuration information;

the build computer system determining, according to the received target computer system configuration information and according to predetermined rules stored in the build computer system, a set of program components including one or more driver software needed by the target computer system to complete the build of the program on the target computer system;

the build computer system transmitting one or more program components of the determined set of programmed program components to the target computer system; and

the build computer system completing the build of the program on the target computer system, such that the program includes the one or more driver software from the set of transmitted program components.

5. (Currently Amended) A method for programmatically building a replica computer system program image, the method comprising the steps of:

- capturing a replica image of a program;*
- removing components, including driver software, from the replica image of the program, thereby creating an image of the program that lacks driver software;*
- loading the created image into a target computer system;*
- loading into the target computer system a replica install program;*
- executing the replica install program at the target computer system, the target computer system in network communication with a build computer system;*
- detecting by the replica install program, configuration information of the computer system;*
- transmitting by way of the install program, the configuration information to the build computer system for evaluation by said build computer system according to a configuration rule to determine a set of program components including one or more driver software needed by the target computer system;*
- receiving the set of program components from the build computer system;*
- storing the set of program components at the target computer system; and*
- building, on the target computer, a replica of the computer system program, the replica including the one or more driver software from the set of stored program components.*

8. (Currently Amended) A computer program product for creating a replica computer system program, the computer program product comprising:

- a computer readable medium [[having]] storing computer readable program code therein for performing a method comprising:*
- a build computer system capturing a replica image of a program;*

the build computer system removing components, including driver software, from the replica image of the program, thereby creating an image of the program that lacks driver software;

the build computer system downloading the created image of the program to a target computer system, in order to begin a build of the program on the target computer system;

the build computer system receiving from the target computer system, target computer system configuration information;

the build computer system determining, according to the received target computer system configuration information and according to predetermined rules stored in the build computer system, a set of program components including one or more driver software needed by the target computer system to complete the build of the program on the target computer system;

the build computer system transmitting one or more program components of the determined set of programmed program components to the target computer system; and

using the one or more program components, the build computer system completing the build of the program on the target computer system, such that the program includes the one or more driver software from the set of transmitted program components.

12. (Currently Amended) A computer program product for programmatically building a replica computer system program,, the computer program product comprising:

a computer readable medium [[having]] storing computer readable program code therein for performing a method comprising:

capturing a replica image of a program;

removing components, including driver software, from the replica image of the program, thereby creating an image of the program that lacks driver software;

loading the clone image into a target computer system;
loading into the target computer system a replica install program;
executing the replica install program at the target computer system, the target computer system in network communication with a build computer system;
detecting by the replica install program, configuration information of the computer system;
transmitting by way of the replica install program, the configuration information to the build computer system for evaluation by said build computer system according to a configuration rule to determine a set of program components including one or more driver software needed by the target computer system;
receiving the set of program components from the build computer system;
storing the set of program components at the target computer system; and
using the set of program components, building, on the target computer, a replica of the computer system program, the replica including the one or more driver software from the set of stored program components.

15. (Currently Amended) A system for creating a replica computer system program, the system comprising:

a network in communication with a target computer system;
a build computer system in communication with the network, wherein the build computer system performs a method comprising:
capturing a replica image of a program;
removing components, including driver software, from the replica image of the program, thereby creating an image of the program that lacks driver software;
downloading the created image of the program to the target computer system, in order to begin a build of the program on the target computer system;
receiving from the target computer system, target computer system configuration information;

determining, according to the received target computer system configuration information and according to predetermined rules stored in the build computer system, a set of program component including one or more driver software needed by the target computer system to complete the build of the program on the target computer system;

transmitting one or more program components of the determined set of programmed program components to the target computer system; and

using the one or more program components, completing the build of the program on the target computer system, such that the program includes the one or more driver software from the set of transmitted program components.

18. (Currently Amended) A system for programmatically building a replica computer system program, the system comprising:

a network in communication with a build computer system;

a target computer system in communication with the network, wherein the target computer system performs a method comprising:

capturing a replica image of a computer system program;

removing components, including driver software, from the replica image of the computer system program, thereby creating an image of the computer system program that lacks driver software;

loading the created image into a target computer system; loading into the target computer system a replica install program;

executing the replica install program at the target computer system, the target computer system in network communication with a build computer system;

detecting by the replica install program, configuration information of the computer system;

transmitting by way of the replica install program, the configuration information to the build computer system for evaluation by said build computer system according to a configuration rule to determine a set of program

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components including one or more driver software needed by the target computer system;

*receiving the set of program components from the build computer system;
storing the set of program components at the target computer system; and*

using the set of program components, building, on the target computer, a replica of the computer system program, the replica including the one or more driver software from the set of stored program components.

- - End - -

Examiner's Statement of Reasons for Allowance

7. As pointed out by the Applicants, the prior art of record (Vaughan and Sysprep-Nov01) does not disclose at least a build computer system that creates a replica image of a program, creates an image of the program lacking driver software, receive said image of the program lacking driver software, and complete a build of the program on a target computer system (Remarks, pp. 16-18).

The prior art made in this Office action: US Patent No. 7,356,679 merely discloses a source image is automatically analyzed and the hardware configuration of a destination computer is determined. The source image is modified as needed and deployed on the destination computer.

However, the claimed limitations are not present in the prior art of and made of record and would not have been obvious, thus all pending claims 1-20 are allowed.

Conclusion

8. Any inquiry concerning this communication should be directed to examiner Thuy Dao (Twee), whose telephone/fax numbers are (571) 272 8570 and (571) 273 8570, respectively. The examiner can normally be reached on every Tuesday, Thursday, and Friday from 6:00AM to 6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Q. Dam, can be reached at (571) 272 3695.

The fax phone number for the organization where this application or proceeding is assigned is (571) 273 8300.

Any inquiry of a general nature of relating to the status of this application or proceeding should be directed to the TC 2100 Group receptionist whose telephone number is (571) 272 2100.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR

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only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Thuy Dao/

Examiner, Art Unit 2192

/Tuan Q. Dam/

Supervisory Patent Examiner, Art Unit 2192